



STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

1636 West North Temple • Suite 220 • Salt Lake City, UT 84116-3156 • 801-533-6071

July 18, 1985

Wilmer Parrish
Route 2
ROOSEVELT UT 84066

Dear Mr. Parrish:

The flows of Deep Creek are rapidly diminishing this summer and within a few days the water distribution schedule, which apportions the reduced water supply among water users, will be in effect. It therefore is very important that no one take more than his lawful share of the water.

We are aware that your Deep Creek diversion structure is inadequate and in serious disrepair, causing you to divert and waste water in excess of your water right and in violation of State law.

By my authority as State Engineer, I hereby order you to cease immediately from taking more than your lawful share of water. This Order requires you immediately to take all necessary steps to assure your compliance with the law, including repairing any points or structures by which water comes onto your land or into your possession from Deep Creek. The River Commissioner is authorized to act for the State Engineer in these matters.

Furthermore, in connection with the legal requirement that a water user not take more water than his water right allows, every person using water in this State must install and maintain substantial control works, including a headgate and a "measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used." 73-5-4, Utah Code Annotated 1953. The State Engineer has authority to approve the design of the control works and measuring device. Id. You will have to comply with that requirement.

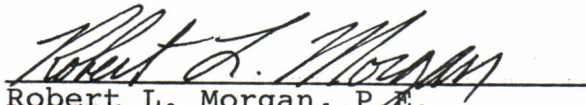
Pursuant to Section 73-5-4, the State Engineer hereby gives notice to you that if the new headgate and measuring device are not installed at your points of diversion within thirty (30) days, I intend to exercise my legal authority as necessary, including taking action to prevent your using water from Deep Creek until they are installed.

Please understand that while you have thirty days to install the headgate and measuring device, you are ordered immediately to stop taking more than your entitlement of water. This requires the immediate repair of your diversion.

Wilmer Parrish
July 12, 1985
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Further, it appears from our field investigation that the place of your present diversion is not the point specified in your Water User's Claim. In complying with this Order, you will need to relocate the diversion to a proper place to be determined after consultation with the State Engineer's Office. Please contact Blake Wahlen of our Vernal Office before you put in your new diversion structure, so he can meet with you.

Very truly yours,


Robert L. Morgan, P.E.
State Engineer